

Court of Appeals, State of Michigan

ORDER

Michael Norton v C T Charlton & Assoc Inc

Docket No. 289928

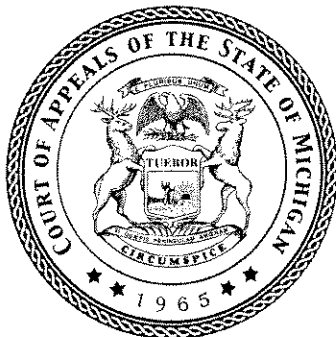
LC No. 2006-072530-CK

Stephen L. Borrello
Presiding Judge

Peter D. O'Connell

Alton T. Davis
Judges

The motion to dismiss this appeal is GRANTED. This Court lacks jurisdiction over the claim of appeal from the December 26, 2008 order denying appellant's motion to vacate the arbitration award because that order is not a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A)(1). The claim of appeal cannot be saved by treating it as being taken from the October 16, 2008 judgment. Assuming that judgment constitutes a final order, the claim of appeal was not timely filed from that judgment because it was not filed within 21 days of the judgment, MCR 7.204(A)(1)(a), and there was no postjudgment motion or extension of time by the trial court for filing such a motion within 21 days of the judgment, MCR 7.204(A)(1)(b). At this time, appellant may seek appellate relief in this matter only, by filing a delayed application for leave to appeal under MCR 7.205(F).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 20 2009

Date

Sandra Schultz Mengel
Chief Clerk